



ATTORNEY DOCKET NO.
020431.0739

3677
SERIAL NO.
09/776,130

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dimitra G. Gerogianni
U.S. Patent Serial No.: 09/776,130
Filing Date: February 2, 2001
Examiner: Flemming Saether
Group No.: 3677
Confirmation No.: 9365
Title: **SYSTEM AND METHOD FOR BROKERING
FOOD ORDER TRANSACTIONS AMONG A
PLURALITY OF UNAFFILIATED SELLERS**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on <u>5-06-2004</u>.</p> <p><u>Elaine Burch</u> Name</p> <p><u>5-06-2004</u> Date of Signature</p>

**REQUEST FOR CONSIDERATION OF AN INFORMATION
DISCLOSURE STATEMENT TIMELY FILED**

For reasons set forth below, **it is respectfully requested that the PTO file for this application be promptly forwarded to Examiner Flemming Saether**, for confirmation that the references listed on PTO-1449 attached to the Information Disclosure Statement filed February 2, 2001 have been considered.

On February 2, 2001 Applicant filed an Information Disclosure Statement (IDS) with PTO-1449 form (three (3) pages) attached, listing the references submitted for consideration. Copies of the cited references were also included. This IDS was received at the U.S. Patent and Trademark Office on February 2, 2001 as shown on the returned, date-stamped postcard,

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copy of which is attached. For the convenience of the Examiner, a copy of the Information Disclosure Statement and the cited references filed February 2, 2001 are enclosed.

A Final Office Action for this application was mailed on April 20, 2004. However, Examiner Flemming Saether has not returned a copy of the PTO-1449 form indicating consideration of the references cited in the Information Disclosure Statement filed February 2, 2001.

Accordingly, **Applicant hereby requests confirmation of consideration of the previously filed Information Disclosure Statement.** Examiner Flemming Saether is requested to initial the references listed on the PTO-1449 form to show that they were appropriately considered during examination of this Application. The Commissioner is hereby authorized to credit any overpayment, or to charge any additional fee required by this paper, to Deposit Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.
Attorneys for Applicant



Christopher W. Kennerly
Reg. No. 40,675

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6812

Enclosures: Copy of Information Disclosure Statement filed February 2, 2001
with Form PTO-1449 and copies of the cited references;
Copy of acknowledgment post card showing
date stamp of February 2, 2001.



The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input checked="" type="checkbox"/> Circle One: <u>26 pgs</u> New Appln. C.P.A.: Con.: CIP.: DIV.: Provisional: Converted Provisional	<input type="checkbox"/> EXTENSION OF TIME <u>MTHS</u> <u>Pat. App. 3/10/04</u>
<input type="checkbox"/> DECLARATION/POWER OF ATTORNEY	<input checked="" type="checkbox"/> NOTICE OF PUBLICATION <u>3/10/04</u>
<input checked="" type="checkbox"/> ASSIGNMENT <u>Google Power Sheet</u>	<input type="checkbox"/> APPEAL BRIEF
<input type="checkbox"/> VERIFIED STATEMENT	<input type="checkbox"/> ISSUE FEE <u>10/08/03</u> <u>\$1,000.00</u>
<input checked="" type="checkbox"/> FORMAL DWGS <u>2</u> PAGES	<input checked="" type="checkbox"/> CHECK NO. <u>1008/03</u> AMT.: <u>\$40.00</u>
<input type="checkbox"/> INFORMAL DWGS _____ PAGES	<input checked="" type="checkbox"/> SERIALIZED <u>Free Transmittal</u>
<input type="checkbox"/> Circle One: AMENDMENT/RESPONSE _____	<input checked="" type="checkbox"/> OTHER <u>IDS w/ 10/03 arrival</u>

NAME OF INVENTOR(S):

TITLE OF INVENTION:

CLIENT OR APPLICANT:

B&B FILE NO.:

MAILED: 2/2/2001

DUE:

ATTY/SECY:

J. Thomas D. Libik

EXPRESS ☒

ELSD1024143 US

RECEIPT NO.:

CERTIFICATE
OF MAILING ☒

HAND DELIVERED ☐

RECEIPT DATE & SERIAL NO.:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dimitra G. Gerogianni

Filing Date:

February 2, 2001

Title:



SYSTEM AND METHOD FOR BROKERING FOOD
ORDER TRANSACTIONS AMONG A PLURALITY
OF UNAFFILIATED SELLERS

Honorable Assistant Commissioner

for Patents

Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. A copy of these references are enclosed for the convenience of the Examiner. No representation is made that these references qualify as prior art, that a search has been made, or that these references are material to the patentability of the present application.

Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from these references.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in cursive script, appearing to read "C. Kennerly".

Christopher W. Kennerly
Reg. No. 40,675

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6812
Date: 2/2/01

CORRESPONDENCE ADDRESS:

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PTO-1449 Information Disclosure Citation In an Application	Application No.	Applicant(s) Dimitra G. Gerogianni	
	Docket Number 020431.0739	Group Art Unit	Filing Date February 2, 2001

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A						
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							
	P							
	Q							

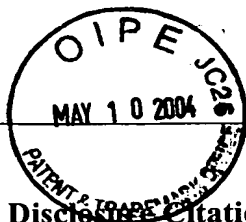
		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	R	Food.com web page print-out, "The Marketplace," http://order.food.com at the Internet, copyright 1999 and 2000 Food.com., 2 pages.	1999-2000
	S	Papa Johns Pizza web page print-out, "Order your Papa John's Pizza online!", http://papajohns.food.com at the Internet, printed October 2, 2000, 1 page.	10/02/2000
	T	Pizza Hut® web page print-out, "find your closest Pizza Hut®," http://www.pizzahut.com at the Internet, printed October 13, 2000, 1 page.	10/13/2000

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE



PTO-1449

Application No.

Applicant(s)

Dimitra G. Gerogianni

**Information Disclosure Citation
In an Application**Docket Number
020431.0739

Group Art Unit

Filing Date
February 2, 2001**U.S. PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A						
	B						
	C						
	D						
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	F						
	G						
	H						
	I						
	J						
	K						
	L						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							
	P							
	Q							

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	R	PizzaOnline web page print-out, "Ordering pizza online is as easy as 1-2-3!", Pizza Online.com, http://206.86.229.75:81/asp/index.asp at the Internet, copyright 1995-2000, PizzaOnline.com, Inc., printed October 2, 2000, 4 pages.	1995-2000
	S	PizzaNow! Australia web page print-out, "Order on-line from your local pizza parlour," http://www.pizzanow.com.au/ at the Internet, copyright 1998, 99 PizzaNow, printed October 13, 2000, 1 page.	1998-1999
	T	epizza.ca™ web page print-out, "Welcome to epizza.ca!", http://www.epizza.ca/home.asp at the Internet, copyright 2000 Epizza, printed October 2, 2000, 1 page.	2000

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

DAL01:581906.1